



C.R.P(NPD).No.4973 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2023

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.R.P(NPD).No.4973 of 2023
and CMP.No.29123 of 2023

R.Pargunan

. .. Petitioner

Vs

K.Govindan

. ..Respondent

Prayer : Civil Revision Petition filed under Section 25 of Tamil Nadu Buildings (lease and rent Control) Act, praying to set aside the order of the Sub Court, Poonamallee, passed in R.C.A.No.8 of 2020 whereby confirming the order passed by the Principal District Munsif Court, Poonamallee in M.P.No.40 of 2019 in RCOP No.62 of 2018, dated 15.09.2023.

For Petitioner : Mr.V.R.Appaswamee

ORDER

Challenging the Judgment and Decretal order dated 15.09.2023 passed by the learned Subordinate Judge, Poonamallee, in R.C.A.No.8 of 2020, the tenant has preferred this Civil Revision Petition.

2. Originally RCOP No.62 of 2018 was filed by the respondent/landlord and also filed M.P.No.40 of 2019, directing the



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respondent to pay or deposit the rent for four months amounting to a sum of Rs.1,20,000/- (Rupees One lakh Twenty Thousand only) @ Rs.30,000/- per month, failing which stop all further proceedings and an order directing the respondent/tenant to vacate and deliver the vacant possession of the premises. The said M.P.No.40 of 2019 was allowed. Challenging the order passed by the Rent Controller, Poonamallee, the tenant has preferred RCA. No.8 of 2020 on the file of the learned Subordinate Court, Poonamallee. On hearing both sides, the Appellate Authority dismissed the appeal, confirming the findings of the Rent Controller.

3. Challenging the concurrent findings of the Courts below, the tenant has preferred this Civil Revision Petition.

4. The learned counsel for the revision petitioner submitted that the Courts below ought to have considered the admitted fact that the rental advance amount paid by the petitioner herein is lying with the respondent and hence the question of arrears of rent will not arise. He further submitted that the petitioner has regularly paying the monthly rent without any default. Hence, he prayed to allow this petition.

5. On a perusal of the records, it reveals that the revision petitioner has not paid the rent arrears of Rs.1,20,000/- and he has not complied with the



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order of the Courts below. Therefore, I do not find any reason to interfere with the Judgment passed by the Appellate Court in RCA.No.08 of 2020, dated 15.09.2023. However, the revision petitioner is directed to vacate the premise and handover the possession to the respondent/landlord within a period of three months from the date of receipt of a copy of this order.

6. Accordingly, this Civil Revision Petition is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

22.12.2023

Internet : Yes/No
Index : Yes/No
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To

1. The Principal District Munsif cum Rent Controller, Poonamallee.
2. The Subordinate Court, Poonamallee.
3. The Section Officer,
VR Section,
High Court of Madras.

T.V.THAMILSELVI, J.

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